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**DATE: October 25, 2006**

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**FROM: Dr. Lola A. Bartoszewicz, Ph.D. /**

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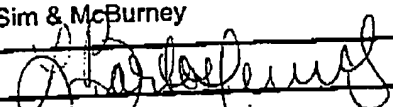
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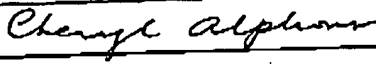
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/681,639
	Filing Date	October 8, 2003
	First Named Inventor	Qinwei Shi
	Art Unit	1641
	Examiner Name	Yu, Melanie, J.
	Attorney Docket Number	12827-7 LAB
Total Number of Pages In This Submission		

ENCLOSURES (Check all that apply)		
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Firm Name	Sim & McBurney	
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Printed name	Dr. Lola A. Bartoszewicz	
Date	October 25, 2006	Reg. No. 43394

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Signature	
Typed or printed name	Cheryl Alphonso
Date	October 25, 2006

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Application No: 10/711408  
Attorney Docket : 12927-11 LAB

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**OCT 25 2006**

In re Application of :

Confirmation No: 6090

Qinwei Shi

Group Art Unit : 1641

Application No: 10/681,639

Examiner : Yu, Melanie, J.

Filed : October 8, 2003

Attorney Docket No: 12927-7 LAB

For : DIAGNOSTIC DEVICES

**VIA FACSIMILE : 571 273 8300**

**RESPONSE UNDER 37 CFR 1.121**

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
U.S.A.

October 25, 2006

Dear Sir:

This is responsive to the Office Action dated September 25, 2006. Please consider the following remarks:

**REMARKS**

In response to the Election Requirement mailed September 25, 2006, Applicant provisionally elects for prosecution, with traverse, from GROUP A, the Troponin I species and from GROUP B, the location of the notch on the bottom surface of the top layer species. The claims encompassing the elected species are claims 1, 2, 5, 6, 7, 10, 11, 12 (part), 20, 21, 24, 25, 26 (part), 33, 34, and 35. Reconsideration of the Election Requirement, in view of the remarks presented herein, is respectfully requested.

Applicant respectfully submits that all of the claims are generic. Applicant asserts that the analytes in group A are merely examples of analytes that may be used with the instant invention. Similarly, Applicant asserts that the location of the notch on group B does not lead to structurally different layers and flow channels and is meant to provide for alternative entry means for a sample.